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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,082	10/16/2001	Vardarajan R. Iyengar	DP-305851 7500/95	5556

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SCOTT A. MCBAIN
DELPHI TECHNOLOGIES, INC.
1450 W. Long Lake, Mail Code: 482-204
P.O. Box 5052
Troy, MI 48098

EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,082

Applicant(s)

IYENGAR ET AL.

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 16, 20 and 24-28 is/are allowed.
- 6) ☒ Claim(s) 13, 17, 21, 29 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 14, 15, 18, 19, 22, 23, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Acknowledgment is made in the receipt of amendment A filed February 7, 2003.

Claim Objections

2. Claims 33 and 34 are objected to because of the following informalities: the claims appear to be duplicates of each other. The first instance of "includes" in line 1 of each claim should be cancelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13, 17, 21, 29 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,788,028 to Bieber.

Re-claims 13 and 17, Bieber discloses a method and device of controlling a damping force of a damper, the method comprising: generating a first operating current (defined as the first signal in Bieber, see column 5 lines 47-49) as a function of a desired force level of the damping force; determining a scale factor (defined as the temperature compensation factor in Bieber) and an offset value (defined as the third signal in Bieber, see column 5 lines 55-56) as a function of operating temperature of the damper and relative velocity of the damper, Bieber discloses that each of the aforementioned values are based upon a second signal which is determined by a temperature value of the damper during a period of time in which the damper is moving, as indicated by a hydraulic fluid flow, see column 5 lines 50-54, in addition Bieber

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discloses that the desired damping level is proportional to the relative velocity of the damper, see column 3 lines 57-61, as such the existence of the first signal of Bieber requires that a relative velocity of the damper exist prior to determination of either the scale factor or offset value, therefore the scale factor and offset value are a function of the relative velocity of the damper; and providing a second operating current (defined as the shock absorber control signal, column 5 lines 57-58) to the damper in response to a determination of the scale factor and the offset value. The controller of Bieber will have modules for performing the necessary arithmetic operations as is known in the art.

Re-claim 21, Bieber discloses a system, comprising: a damper 10 operable to provide a damping force in response to a reception of a first operating current (defined as the shock absorber control signal in Bieber); a controller 68, wherein the controller is operable to generate a second operating current (defined as the first signal in Bieber) as a function of a desired force level of the damping force, wherein the controller is operable to determine a scale factor (defined as the temperature compensation factor in Bieber) and an offset value (defined as the third signal in Bieber, see column 5 lines 55-56) as a function of operating temperature of the damper and relative velocity of the damper, Bieber discloses that each of the aforementioned values are based upon a second signal which is determined by a temperature value of the damper during a period of time in which the damper is moving, as indicated by a hydraulic fluid flow, see column 5 lines 50-54, in addition Bieber discloses that the desired damping level is proportional to the relative velocity of the damper, see column 3 lines 57-61, as such the existence of the first signal of Bieber requires that a relative velocity of the damper exist prior to determination of either the scale factor or offset value, therefore the scale factor and offset value are a function of the

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relative velocity of the damper, and wherein the controller is operable to provide the first operating current to the damper in response to a determination of the scale factor and the offset value.

Re-claim 29, , Bieber discloses a system, comprising: a damper 10 operable to generate a damping force; a controller 68 including a first module operable to generate a first operating current (defined as the first signal in Bieber) as a function of a desired force level of the damping force, a second module operable to determine a set of scale factors (defined as the temperature compensation factor in Bieber) and a set of offset value (defined as the third signal in Bieber, see column 5 lines 55-56) as a function of operating temperature of the damper, it is inherent that every temperature will be assigned a different scale factor and offset value, a third module operable to determine a scale factor and an offset value as a function of a relative velocity of the damper, Bieber discloses that the offset value is based upon a second signal which is determined during a period of time in which the damper is moving, as indicated by a hydraulic fluid flow, see column 5 lines 50-54, in addition Bieber discloses that the desired damping level is proportional to the relative velocity of the damper, see column 3 lines 57-61, as such the existence of the first signal of Bieber requires that a relative velocity of the damper exist prior to determination of the offset value. The examiner defines the modules as being nothing more than subroutines or algorithms performing arithmetic functions.

Re-claims 32-34, the controller includes a module to measure a temperature of the damper, this inherently includes a capability to measure an ambient temperature of the damper which is nothing more than a measured temperature.

Allowable Subject Matter

5. Claims 12, 16, 20 and 24-28 are allowed.
6. Claims 14, 15, 18, 19, 22, 23, 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed February 7, 2003 have been fully considered but they are not persuasive. As stated in the above rejection it is the opinion of the examiner that the scale factor and offset value of Bieber are determined as a function of the temperature of the damper. The scale factor is defined by the examiner as being the temperature compensation factor in Bieber, which is based upon a second signal. The second signal is a function of the estimated temperature, as clearly disclosed by Bieber in column 5 lines 50-54. The examiner is defining the offset value the third signal in Bieber. The third signal is determined from the second signal and the temperature compensation factor. Both values are determined during a period of movement for the damper, since a first signal indicative of desired damping has been issued. Thus a relative velocity of the damper is taken into consideration.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

April 17, 2003


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
4/17/03